

IN THE SUPREME COURT OF THE STATE OF DELAWARE

RICH REALTY, INC., CARSON M.	§	
GRAY, ADELIA H. GRAY, RICHARD E.	§	No. 163, 2011
GRAY, JR., and JOSSLYN GRAY,	§	
	§	
Plaintiffs Below,	§	Court Below—Superior Court of
Appellants,	§	the State of Delaware in and for
	§	New Castle County
	§	
v.	§	
	§	
POTTER ANDERSON & CORROON, LLP	§	
and HAROLD I. SALMONS III, Esquire,	§	
	§	
Defendants Below,	§	C.A. No. N09C-12-273
Appellees.	§	

Submitted: April 15, 2011

Decided: April 21, 2011

Before **STEELE**, Chief Justice, **HOLLAND** and **BERGER**, Justices.

**ORDER**

This 21<sup>st</sup> day of April 2011, upon consideration of the notice and amended supplemental notice of interlocutory appeal, it appears to the Court that:

(1) On April 4, 2011, plaintiffs/appellants, Rich Realty, Inc., Carson M. Gray, Adelia H. Gray, Richard E. Gray, Jr., and Josslyn Gray petitioned this Court pursuant to Supreme Court Rule 42, to accept an interlocutory appeal from the Superior Court's order of March 15, 2011.<sup>1</sup> By order dated April 7, 2011, the

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<sup>1</sup> The March 15, 2011 order denied the plaintiffs' motion for reargument of the Superior Court's February 21, 2011 opinion that granted in part the defendants' amended motion to dismiss.

Superior Court stayed the plaintiffs' application for certification pending the court's decision on the plaintiffs' pending motion to amend complaint.<sup>2</sup>

(2) Applications for interlocutory review are addressed to the sound discretion of this Court and are granted only in exceptional circumstances. We have examined the Superior Court's March 15, 2011 order and underlying February 21, 2011 opinion according to the criteria set forth in Supreme Court Rule 42 and have concluded that exceptional circumstances meriting interlocutory review do not exist in this case.

NOW, THEREFORE, IT IS HEREBY ORDERED that the interlocutory appeal is REFUSED.

BY THE COURT:

/s/ Randy J. Holland  
Justice

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<sup>2</sup> It appears from the Superior Court docket that the plaintiffs' motion to amend complaint was filed on March 2, 2011.